

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 286

Introduced by Jones, 43

Read first time January 11, 1999

Committee: Natural Resources

A BILL

- 1 FOR AN ACT relating to natural resources districts; to amend
- 2 section 2-3234, Revised Statutes Supplement, 1998; to
- 3 change eminent domain provisions; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3234, Revised Statutes Supplement,
2 1998, is amended to read:

3 2-3234. Each district shall have the power and authority
4 to exercise the power of eminent domain when necessary to carry out
5 the purposes of sections 2-1502 to 2-1504, 2-1507, 2-3201 to
6 2-3257, 2-32,109 to 2-32,114, 31-101.01, 31-301.01, 31-401.01,
7 46-613.01, and 46-1001.01 within the limits of the district or
8 outside its boundaries. A district may not use the power of
9 eminent domain for the purpose of development and management of
10 recreational and park facilities. Exercise of eminent domain shall
11 be governed by the provisions of sections 76-704 to 76-724, except
12 that whenever any district seeks to acquire the right to interfere
13 with the use of any water being used for power purposes in
14 accordance with sections 46-204, 70-668, 70-669, and 70-672 and is
15 unable to agree with the user of such water upon the compensation
16 to be paid for such interference, the procedure to condemn property
17 shall be followed in the manner set forth in sections 76-704 to
18 76-724 and no other property shall be included in such
19 condemnation. No district shall contract for delivery of water to
20 persons within the corporate limits of any village, city, or
21 metropolitan utilities district, nor in competition therewith
22 outside such corporate limits, except by consent of and written
23 agreement with the governing body of such political subdivision. A
24 village, city, or metropolitan utilities district may negotiate
25 and, if necessary, exercise the power of eminent domain for the
26 acquisition of water supply facilities of the district which are
27 within its boundaries.

28 Sec. 2. Original section 2-3234, Revised Statutes

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- 1 Supplement, 1998, is repealed.